

Amendments to the Claims:

This listing of claims will replace all prior versions, and listings, of claims in the above referenced application:

Listing of Claims:

What is claimed is:

1. (Currently Amended) A fly pack for the temporary storage and simple retrieval of fly fishing flies, comprising:

an openable drum including an interior drum surface and an exterior drum surface
~~and an exterior drum surface;~~

a fastening for operably securing the fly pack in drum form;

a fly nap carried by the interior drum surface for releaseably engaging the hook
portion of the flies to the fly pack;

a band carried by the exterior drum surface including at least one band tip
overlapping the exterior drum surface;

at least one end cap affixed to a band tip overlapping the exterior drum surface for
operably enclosing a drum end when in drum form

at least one raised billet carried by the interior drum surface for operably securing
an end cap enclosing a drum end when the fly pack is in drum form;

a pull knob carried by at least one end cap to assist operably opening or enclosing
a drum end with the end cap when the fly pack is in drum form; and

an attachment carried by the exterior drum surface for securing the fly pack to a
fisherman,

whereby the fly pack can be opened and accessed at either end or unfastened and
opened entirely for access to the flies secured upon the fly nap.

2. The fly pack set forth in Claim 1, wherein the drum comprises weather resistant leather.
3. (Withdrawn).
4. The fly pack set forth in Claim 1, wherein the fastening comprises snap fasteners for securement to corresponding snap fastener elements.
5. The fly pack set forth in Claim 1, wherein fly nap is stitched to the interior drum surface.
6. The fly pack set forth in Claim 1, wherein the fly nap is bonded to the interior drum surface.
7. The fly pack set forth in Claim 1, wherein the fly nap comprises wool.
8. The fly pack set forth in Claim 1, wherein the fly nap comprises synthetic fleece.
9. The fly pack set forth in Claim 1, wherein the band is stitched to the exterior drum surface.
10. The fly pack set forth in Claim 1, wherein the band is bonded to the exterior drum surface.
11. The fly pack set forth in Claim 1, wherein the band flexibly hinges about the band tips.
12. The fly pack set forth in Claim 1, wherein the end cap is stitched to the band tip.
13. The fly pack set forth in Claim 1, wherein the end cap is bonded to the band tip.
14. The fly pack set forth in Claim 1, wherein the end cap is riveted to the band tip.
15. (Withdrawn).
16. The fly pack set forth in Claim 1, wherein the attachment further comprises a clasp for attaching the fly pack to a fisherman.

17. The fly pack set forth in Claim 1, wherein the attachment further comprises a belt loop capable of receiving the belt of a fisherman for attaching the fly pack to the fisherman's belt.

18. A fly pack for the temporary storage and simple retrieval of fly fishing flies, comprising:

an openable drum including an interior drum surface and an exterior drum surface;

a fastening for operably securing the fly pack in drum form, and

a fly nap carried by the interior drum surface for releaseably engaging the hook portion of flies to removably secure the flies to the fly pack.

19. The fly pack set forth in Claim 18, wherein the drum comprises weather resistant leather.

20. The fly pack set forth in Claim 18, wherein the fastening comprises snap fasteners for securement to corresponding snap fastener elements.

21. The fly pack set forth in Claim 18, wherein fly nap is stitched to the interior drum surface.

22. The fly pack set forth in Claim 18, wherein the fly nap is bonded to the interior drum surface.

23. The fly pack set forth in Claim 18, wherein the fly nap comprises wool.

24. The fly pack set forth in Claim 18, wherein the fly nap comprises synthetic fleece.

25. A fly pack for the temporary storage and simple retrieval of fly fishing flies, comprising:

an openable drum including an interior drum surface and an exterior drum surface;

a fastening for operably securing the fly pack in drum form;

a fly nap carried by the interior drum surface for releaseably engaging the hook portion of flies to removably secure the fly to the fly pack;

a band carried by the exterior drum surface including at least one band tip overlapping the exterior drum surface; and

at least one end cap affixed to a band tip overlapping the exterior drum surface for operably enclosing a drum end when in drum form

at least one raised billet carried by the interior drum surface for operably securing an end cap enclosing a drum end when the fly pack is in drum form; and

a pull knob carried by at least one end cap to assist operably opening or enclosing a drum end with the end cap when the fly pack is in drum form,

whereby the fly pack can be opened and accessed at either end or unfastened and opened entirely for access to the flies secured upon the fly nap.

26. The fly pack set forth in Claim 25, wherein the drum comprises weather resistant leather.

27. (Withdrawn).

28. The fly pack set forth in Claim 25, wherein the fastening comprises snap fasteners for securement to corresponding snap fastener elements.

29. The fly pack set forth in Claim 25, wherein fly nap is stitched to the interior drum surface.

30. The fly pack set forth in Claim 25, wherein the fly nap is bonded to the interior drum surface.
31. The fly pack set forth in Claim 25, wherein the fly nap comprises wool.
32. The fly pack set forth in Claim 25, wherein the fly nap comprises synthetic fleece.
33. The fly pack set forth in Claim 25, wherein the band is stitched to the exterior drum surface.
34. The fly pack set forth in Claim 25, wherein the band is bonded to the exterior drum surface.
35. The fly pack set forth in Claim 25, wherein the band flexibly hinges about the band tips.
36. The fly pack set forth in Claim 25, wherein the end cap is stitched to the band tip.
37. The fly pack set forth in Claim 25, wherein the end cap is bonded to the band tip.
38. The fly pack set forth in Claim 25, wherein the end cap is riveted to the band tip.
39. (Withdrawn).
40. A method of manufacture of a fly pack for the temporary storage and simple retrieval of fly fishing flies, comprising the steps of:
 - providing an openable drum including an interior drum surface and an exterior drum surface;
 - providing a fastening to secure the fly pack in drum form; ~~and~~
 - providing a fly nap on the interior drum surface for releaseably engaging the hook portion of flies to removably secure the flies to the fly pack;

providing at least one raised billet carried by the interior drum surface for operably securing an end cap enclosing a drum end when the fly pack is in drum form;
and

providing a pull knob carried by at least one end cap to assist operably opening or enclosing a drum end with the end cap when the fly pack is in drum form.

41. The method of manufacture set forth in Claim 40, wherein the drum comprises weather resistant leather.
42. The method of manufacture set forth in Claim 40, wherein the fastening comprises snap fasteners for securement to corresponding snap fastener elements.
43. The method of manufacture set forth in Claim 40, including the step of stitching the fly nap to the interior drum surface.
44. The method of manufacture set forth in Claim 40, including the step of bonding the fly nap to the interior drum surface.
45. The method of manufacture set forth in Claim 40, wherein the fly nap comprises wool.
46. The method of manufacture set forth in Claim 40, wherein the fly nap comprises synthetic fleece.
47. The method of manufacture set forth in Claim 40, including the step of providing a band upon the exterior drum surface including at least one band tip overlapping the exterior drum surface.
48. The method of manufacture set forth in Claim 47, including the step of stitching the band to the exterior drum surface.

49. The method of manufacture set forth in Claim 47, including the step of bonding the band to the exterior drum surface.
50. The method of manufacture set forth in Claim 40, including the step of flexibly hinging the band about the band tips.
51. The method of manufacture set forth in Claim 40, including the step of providing at least one end cap carried by at least one band tip overlapping the exterior drum surface for operably enclosing a drum end when in drum form.
52. (Withdrawn).
53. The method of manufacture set forth in Claim 51, including the step of stitching the end cap to the band tip.
54. The method of manufacture set forth in Claim 51, including the step of bonding the end cap to the band tip.
55. The method of manufacture set forth in Claim 51, including the step of riveting the end cap to the band tip.
56. (Withdrawn).
57. The method of manufacture set forth in Claim 40, including the step of providing an attachment carried by the exterior drum surface for securing the fly pack to a fisherman.
58. The method of manufacture set forth in Claim 57, wherein the attachment further comprises a clasp for attaching the fly pack to a fisherman.
59. The method of manufacture set forth in Claim 57, wherein the attachment further comprises a belt loop capable of receiving the belt of a fisherman for attaching the fly pack to the fisherman's belt.

Remarks

Examiner asserts Claims 1,2,4-12,16-26,28-35,37,40-51,54 and 57-59 are rejected under 35 USC 103(a) as being unpatentable over Keilholz (2707583) and further in view of Volmer (5950352).

An obviousness analysis always begins with *Graham v. John Deere*, 383 U.S. 1, 17 (1966), which requires three factual determinations in evaluating whether a claimed invention is obvious over the prior art:

- 1) the scope and content of the prior art;
- 2) the differences between the prior art and the claims at issue;
- 3) the level of ordinary skill in the pertinent art.

The question under the second *Graham* factor is not whether the differences between the prior art and claimed invention are obvious, but rather whether the claimed invention as a whole would have been obvious. *Jones v. Hardy*, 727 F.2d 1524, 1529 (Fed. Cir. 1984).

It is not only the differences in structure that are considered, but any property of the claimed invention as a whole can support a finding of non-obviousness. *Schenck v.*

Nortron Corp., 713 F.2d 782, 785 (Fed. Cir. 1983).

The prior art must also be considered as a whole. *W.L. Gore & Associates, Inc. v Garlock, Inc.*, 721 F.2d 1540, 1550 (Fed. Cir. 1983), *cert. denied*, 469 U.S. 851 (1984).

"It is impermissible within the framework of section 103 to pick and choose from any one reference only so much of it as will support a given position, to the exclusion of other

parts necessary to the full appreciation of what such reference fairly suggests to one of ordinary skill in the art." *Application of Wesslau*, 353 F.2d 238, 241 (C.C.P.A. 1965); *Bausch & Lomb, Inc. v. Barnes-Hind/Hydrocurve*, 796 F.2d 443, 448 (Fed. Cir. 1986), *cert. denied*, 484 U.S. 823 (1987).

In applying the *Graham* factors, three criteria must be met:

- 1) there must have been a *suggestion or motivation* in the cited references or art in general to modify or combine cited the references at the time of the invention;
- 2) there must have been a *reasonable expectation of success* when the combination or modification to the art was made; and
- 3) the modification or combination must teach *all* of the claim limitations.

Before prior art references can be combined or modified, there must be some suggestion or motivation found in the art to make the combination or modification. *In re Dance*, 160 F.3d 1339, 1343 (Fed. Cir. 1998); *Heidelberger Druckmaschinen v. Hantscho Commercial*, 21 F.3d 1068, 1072 (Fed. Cir. 1994); *In re Geiger*, 815 F.2d 686, 688 (Fed. Cir. 1987); *Lindemann Maschinenfabrik v. Am Hoist and Derrick*, 730 F.2d 1452, 1462 (Fed. Cir. 1984). "It is insufficient to establish obviousness that the separate elements of the invention existed in the prior art, absent some teaching or suggestion, in the prior art, to combine the elements." *Arkie Lures, Inc. v. Gene Larew Tackle, Inc.*, 119 F.3d 953, 957 (Fed. Cir. 1997).

The fact that references *can* be modified or combined is insufficient to meet this criterion. *In re Rouffet*, 149 F.3d 1350, 1357 (Fed. Cir. 1998); *In re Mills*, 916 F.2d 680,

682 (Fed. Cir. 1990). Moreover, the fact that the modification or combination would be well within the ordinary skill in the art, by itself, is insufficient to meet this criterion. *Al-Site Corp. v. VSI Intern., Inc.*, 174 F.3d 1308, 1324 (Fed. Cir.1999); *Ex parte Levengood*, 28 U.S.P.Q.2d 1300, 1302 (Bd. Pat. App & Inter. 1993).

Keilholz, et al discloses a lure dispenser consisting of a tubular member 12 constructed of rigid transparent plastic sheathed in leather. The tubular member 12 has a flat rear wall 18 and a semi-circular front wall 16. Tubular member 12 is inserted into a pre-formed sheath 14.

Further, Keilholz is configured to hold a single lure per tubular member 12, and the lures to not attach to an interior of the tubular member, as Keilholz teaches the plastic member allows the lure to slide out the bottom of the tubular member.

Volmer discloses a system for carrying fishing equipment to the field that consists of interconnectable modular trays, cases and wallets.

Contrary to Examiner's assertion, Keilholz does not teach or suggest an openable drum as disclosed and claimed by Applicant. Keilholz specifically teaches a rigid tubular member 12 inserted into a preformed sheath 12. The sheath 12 has flaps that open to the tubular member 12, but neither the sheath 14 is taught or suggested as an openable drum nor the tubular member 14 is taught or suggested as an openable drum as disclosed and claimed by Applicant. Examiner has failed to cite evidence where Keilholz teaches or suggests an openable drum as described and claimed by Applicant.

Examiner expressly admits that Keilholz fails to teach or suggest a fleece on the interior of tubular member 12, however Examiner asserts in view of Volmer it would have been obvious to add fleece to the interior of Keilholz's tubular member 12.

While Volmer does disclose the use of a fly nap, it is used in the lining of a tray to be fitted within a case of the system taught by Volmer. Volmer's tray 104, is not an openable drum, Volmer does not teach or suggest an openable drum, and further, Volmer does not teach or suggest the lining of a openable drum with fleece.

Even assuming the references are combined/modified as suggested by the examiner, the combination and modification still does not teach Applicant's claimed invention. Keilholz is incapable of opening as described and claimed by Applicants openable drum to permit a lure affixed the fly nap to be retrieved. This is further evidenced by Keilholz who specifically teaches away from the combination or modification asserted by Examiner. Keilholz teaches "that the inner periphery of the tubular member 12 is smooth and substantially arcuate throughout, so that irrespective of the number of hooks on a particular lure, or the position which the hooks happen to occupy, said lure will slide out by gravity" Col.3, lines 12-17. A fleece nap to retain hooks on the inside of tubular member 12 would prevent the lure from sliding out by gravity. As Keilholz does not teach or suggest an openable drum, there is no way to retrieve a lure from such a modified Keilholz.

Examiner further asserts Applicant's invention obvious over Keilholz (2707583) in view of Volmer (5950352) and further in view of Thorn (2548080). Examiner asserts Thorn teaches a clasp would have been obvious to combine with Keilholz, as modified by Volmer.

Contrary to Examiner's assertion, Thorn does not teach or suggest clasp as disclosed and claimed by Applicant.

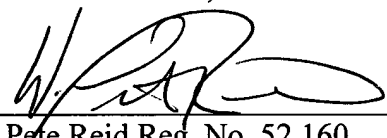
Thorn discloses a fishing lure belt consisting of a hard transparent shell to contain fishing lures. The shell consists of hooks 6 which attach to neck 8 for attaching the shell to the belt. The shell has a transparent top that is openable to retrieve the lures.

Hooks 6 structure is a tab and detent snap fastener, whereby bar 7 is forced into the nose of hook 6, causing the hook to deform sufficiently for bar 7 to snap into hook 6. Col 2-3, lines 50-5.

Thorn's tab and detent fastener which is taught to secure the shell to the belt can hardly be described as comprising the same structure as the clasp described and claimed by Applicant.

Applicant respectfully requests that the above referenced application is in condition for allowance and requests that a timely notice of allowance issue.

Respectfully submitted,
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